

MESSAGE NO: 3174201

MESSAGE DATE: 06/23/2003

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: SCO-Scope

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-827

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 05/22/2003 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON CERTAIN CASED PENCILS FROM CHINA (A-570-827) AND LIQUIDATION INSTRUCTIONS FOR PENCILS NOT IN THE SCOPE

MESSAGE NO: 3174201

DATE: 06 23 2003

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REFERENCE:

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CASES: A - 570 - 827

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PERIOD COVERED: 05 22 2003 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: ANTIDUMPING SCOPE RULING ON CERTAIN CASED PENCILS FROM
CHINA (A-570-827) AND LIQUIDATION INSTRUCTIONS FOR
PENCILS NOT IN THE SCOPE

1. ON 05/22/2003, IN RESPONSE TO A REQUEST BY BARTHCO TRADE CONSULTANTS REGARDING TWIST CRAYONS IMPORTED BY BIG LOTS STORES, THE DEPARTMENT OF COMMERCE (THE DEPARTMENT) ISSUED A FINAL SCOPE RULING THAT THESE TWIST CRAYONS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN CASED PENCILS (PENCILS) FROM THE PEOPLE'S REPUBLIC OF CHINA (PRC) (A-570-827).

2. THE DEPARTMENT PRIMARILY DETERMINED THAT THESE TWIST CRAYONS ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING

PENCILS FROM THE PRC BECAUSE, UNLIKE PENCILS SUBJECT TO THE ORDER, THE CORE OF THE TWIST CRAYON IS NOT BONDED TO THE SHEATH. THE DEPARTMENT ALSO NOTED THAT THE CORE IS ADVANCED THROUGH THE SHEATH BY MECHANICAL MEANS, (AS IS THE CORE OF A MECHANICAL PENCIL WHICH IS EXCLUDED FROM THE SCOPE OF THE ORDER).

3. EFFECTIVE 05/22/2003, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES, REGARDLESS OF ENTRY DATE, OF THE TWIST CRAYONS LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE TWIST CRAYONS LISTED ABOVE.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF PENCILS SUBJECT TO THE ANTIDUMPING DUTY ORDER COVERING PENCILS FROM THE PRC.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT PAUL STOLZ AT "PAUL__STOLZ AT ITA.DOC.GOV" OR AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE,.

AT (202) 482-4474.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party